

FILED

MAR 30 1999

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMAPhil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

AMENDED JUDGMENT IN A CRIMINAL  
CASE(For Offenses Committed On or After November 1,  
1987)

Tracy Christine Hunt

Case Number: 98-CR-149-001-C

Cindy Hodges Cunningham  
Defendant's Attorney

## THE DEFENDANT:

ENTERED ON DOCKET

Pleaded guilty to Count 1 of the Indictment on December 3, 1998.


DATE 3/30/99

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 513(a)	Uttering a Forged Security of a Legal Entity Other Than a Government	6/22/98	1

As pronounced on March 16, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 30<sup>th</sup> day of March, 1999.  
The Honorable H. Dale Cook  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 444-78-8438

Defendant's Date of Birth: 10-26-66

Defendant's USM No.: 08343-062

Defendant's Residence and Mailing Address: 1339 S. Indian, Tulsa OK 74105

United States District Court  
Northern District of Oklahoma } SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

By  Phil Lombardi, Clerk  
Deputy

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of four (4) months.

The Court makes the following recommendations to the Bureau of Prisons:

That the Bureau of Prisons designate the Turley Oklahoma Community Confinement Center as the place of incarceration for the defendant.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

Before 9 a.m. on April 19, 1999.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of two (2) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall participate in a program of mental health treatment (to include inpatient), as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer. The defendant shall continue personal counseling in program already established.
2. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of four (4) months, to commence within 72 hours of release from imprisonment. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
3. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$100.00

**RESTITUTION**

\$25,306.00

**FINE**

\$0.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$100 for Count 1 of the Indictment, which shall be due immediately.

**RESTITUTION**

The defendant shall make restitution in the total amount of \$25,306. Interest on restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Payee Address</u>	<u>City, State, Zip</u>	<u>Amount</u>
Toomey Oil, Attn: Charles and/or Burdette Blue	302 S. Cheyenne, Ste. 212	Tulsa OK 74103	\$19,931
Bank of Oklahoma, Attn: Lowell Faulkenberry, Vice President & Director of Risk Management	PO Box 2300	Tulsa OK 74101	\$5,375

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

Credit will be given for any amounts already paid. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

If a victim has received compensation from insurance or any other source with respect to a loss, restitution shall be paid to the person who provided or is obligated to provide the compensation, but all restitution of victims shall be paid to the victims before any restitution is paid to such a provider of compensation.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

The Court concurs with the defendant's objection to the application of 3B1.3, Abuse of Position of Trust. The Court finds that the facts of the case, the defendant's employment are very similar to that of a bank teller. There are arguments to support either the application of the enhancement or the defendant's objection. The Court gives the benefit of doubt to the defendant and denies the application of USSG 3B1.3. The Court overruled the defendant's other objection and also found there are no factors that warrant a downward departure.

**Guideline Range Determined by the Court:**

Total Offense Level:	11	
Criminal History Category:	I	
Imprisonment Range:	8 to 14 months	Count 1
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$2,000 to \$20,000	Count 1

Total amount of Restitution: \$25,306.

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

*hms*

ENTERED ON BOOKS CW  
3/26/99

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

Jonathan Joel Alexander

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 98-CR-125-002-H

Chadwick R. Richardson  
Defendant's Attorney

**FILED**

MAR 26 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

THE DEFENDANT:

Pleaded guilty to Count 1 of the Superseding Indictment on November 9, 1998.

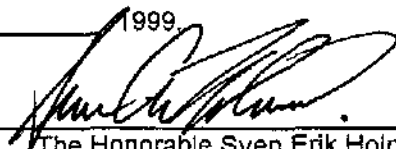
Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
21 USC 846	Conspiracy to Possess With Intent to Distribute Cocaine	07-23-98	1

As pronounced on March 19, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 25<sup>TH</sup> day of MARCH 1999.

  
The Honorable Sven Erik Holmes  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 448-76-8542

Defendant's Date of Birth: 08-05-66

Defendant's USM No.: 13951-112

Defendant's Residence and Mailing Address: 12615 East 16<sup>th</sup> St., Tulsa, Oklahoma 74128

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 120 months.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.



**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$100.00

**RESTITUTION**

\$0.00

**FINE**

\$7,500.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00 for Count(s) Count 1 of the Superseding Indictment, which shall be due immediately.

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$7,500 for Count(s) Count 1 of the Superseding Indictment. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	31	
Criminal History Category:	I	
Imprisonment Range:	120 to 135 months	Count 1
Fine Range:	\$15,000 to \$4,000,000	Count 1

Total amount of Restitution: \$ Not Applicable

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

MAR 24 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

**JUDGMENT IN A CRIMINAL CASE**(For Offenses Committed On or After November 1,  
1987)

Tracy Christine Hunt

Case Number: 98-CR-149-001-C

Cindy Hodges Cunningham  
Defendant's Attorney

ENTERED ON DOCKET

**THE DEFENDANT:**DATE 3/25/99

Pleaded guilty to Count 1 of the Indictment on December 3, 1998.


Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 513(a)	Uttering a Forged Security of a Legal Entity Other Than a Government	6/22/98	1

As pronounced on March 16, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 24<sup>th</sup> day of March, 1999.

  
The Honorable H. Dale Cook  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 444-78-8438

Defendant's Date of Birth: 10-26-66

Defendant's USM No.: 08343-062

Defendant's Residence and Mailing Address: 1339 S. Indian, Tulsa OK 74105

United States District Court  
Northern District of Oklahoma } SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

Phil Lombardi, Clerk

By Beauy McCullough  
Deputy

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of four (4) months.

The Court makes the following recommendations to the Bureau of Prisons:

That the Bureau of Prisons designate the Turley Oklahoma Community Confinement Center as the place of incarceration for the defendant.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

Before 9 a.m. on April 19, 1999.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of two (2) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall participate in a program of mental health treatment (to include inpatient), as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer. The defendant shall continue personal counseling in program already established.
2. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of four (4) months, to commence within 72 hours of release from imprisonment. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
3. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$100.00

**RESTITUTION**

\$25,306.00

**FINE**

\$0.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$100 for Count 1 of the indictment, which shall be due immediately.

**RESTITUTION**

The defendant shall make restitution in the total amount of \$25,306.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Payee Address</u>	<u>City, State, Zip</u>	<u>Amount</u>
Toomey Oil, Attn: Charles and/or Burdette Blue	302 S. Cheyenne, Ste. 212	Tulsa OK 74103	\$19,931
Bank of Oklahoma, Attn: Lowell Faulkenberry, Vice President & Director of Risk Management	PO Box 2300	Tulsa OK 74101	\$5,375

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

Credit will be given for any amounts already paid. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

If a victim has received compensation from insurance or any other source with respect to a loss, restitution shall be paid to the person who provided or is obligated to provide the compensation, but all restitution of victims shall be paid to the victims before any restitution is paid to such a provider of compensation.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

The Court concurs with the defendant's objection to the application of 3B1.3, Obstruction of Justice. The Court finds that the facts of the case, the defendant's employment are very similar to that of a bank teller. There are arguments to support either the application of the enhancement or the defendant's objection. The Court gives the benefit of doubt to the defendant and denies the application of USSG 3B1.3. The Court overruled the defendant's other objection and also found there are no factors that warrant a downward departure.

**Guideline Range Determined by the Court:**

Total Offense Level:	11	
Criminal History Category:	I	
Imprisonment Range:	8 to 14 months	Count 1
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$2,000 to \$20,000	Count 1

Total amount of Restitution: \$25,306.

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

BTJ

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

MICHAEL WAIR, )

Defendant. )

**F I L E D**

MAR 22 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

No. 98-CR-18-BU ✓


ENTERED ON DOCKET

DATE MAR 23 1999

**ORDER**

Now on this 22<sup>nd</sup> day of March, 1999 this cause comes on to be heard in the matter of the plaintiff's Motion for Leave to Dismiss, without prejudice, the Indictment against defendant Michael Wair in the above styled cause. The Court finds that said request ought to be granted and the Indictment against defendant Michael Wair is dismissed, without prejudice.

IT IS SO ORDERED.

  
MICHAEL BURRAGE  
United States District Judge



CW

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA

V.

Michael E. Webb

9-19-99

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 98-CR-068-001-K

Gordon S. Harmon  
Defendant's Attorney

**FILED**

MAR 18 1999 CW

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**THE DEFENDANT:**

Pleaded guilty to Count 1 of the Superseding Indictment on December 7, 1998.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:


<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 286	Conspiracy to Falsify Claims to a Government Agency	4/17/95	1

As pronounced on March 15, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Counts 2-7 of the Superseding Indictment are dismissed on the motion of the United States.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 18 day of March, 1999.

  
The Honorable Terry C. Kern  
Chief U.S. District Court Judge

Defendant's Soc. Sec. No.: 443-60-5890

Defendant's Date of Birth: 8/3/57

Defendant's USM No.: 07715-062

Defendant's Residence and Mailing Address: Davis Correctional Center, Rt. 4 Box 40, Holdenville OK 74848

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 63 months as to Count 1; this sentence shall run consecutively to Oklahoma County, Oklahoma, District Court Case Number CRF 88-4411 and CRF 92-67.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall participate in a program of mental health treatment (to include inpatient), as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.
2. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$50.00

**RESTITUTION**

\$0.00

**FINE**

\$500.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$50 for Count 1 of the Superseding Indictment, which shall be due immediately.

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$500 for Count 1 of the Superseding Indictment. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	19	
Criminal History Category:	VI	
Imprisonment Range:	63 to 78 months	Count 1
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$6,000 to \$60,000	Count 1

Total amount of Restitution: \$ Not Applicable

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

CW

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF OKLAHOMA**

3-19-99

UNITED STATES OF AMERICA

V.

**FILED**  
MAR 18 1999  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Case Number: 98-CR-074-001-K

Barbara Collier

Keith Ward  
Defendant's Attorney

**THE DEFENDANT:**

Pleaded guilty to Count 1 of the Indictment on September 28, 1998.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 1005 & 2(b)	Fraudulent Bank Entries & Causing a Criminal Act	8/2/94	1

As pronounced on March 10, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Counts 2-10 of the Indictment are dismissed on the motion of the United States.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 18 day of March, 1999.

  
The Honorable Terry C. Kern  
Chief U.S. District Court Judge

Defendant's Soc. Sec. No.: 446-44-8864

Defendant's Date of Birth: 8/22/45

Defendant's USM No.: 08255-062

Defendant's Residence and Mailing Address: Rt. 1 Box 304, Caney KS 67333

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 14 months.

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant be placed in the lowest security possible. The Court additionally recommends that the defendant be placed as close to Tulsa, Oklahoma as possible.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

Before noon on April 12, 1999.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
3. The Court suspends the requirements for mandatory urine screening as dictated by 18 USC § 3608, but specifically retains the probation officer's authority to administer such tests for cause as permitted by the standard conditions of supervision.



**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$50.00

**RESTITUTION**

\$0.00

**FINE**

\$3,000.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$50 for Count 1 of the Indictment, which shall be due immediately.

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$3,000 for Count 1 of the Indictment. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report except:

The loss is determined to be \$27,296. Restitution is not applicable based upon a settlement agreement.

**Guideline Range Determined by the Court:**

Total Offense Level:	12	
Criminal History Category:	1	
Imprisonment Range:	10 to 16 months	Count 1
Supervised Release Range:	3 to 5 years	Count 1
Fine Range:	\$3,000 to \$1,000,000	Count 1

Total amount of Restitution: \$ Not Applicable

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

MAR 17 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

93-CR-019-001-B ✓

UNITED STATES OF AMERICA  
Plaintiff

VS

DONALD RAY BROWN  
Defendant

ENTERED ON DOCKET

DATE 3-18-99

**ORDER REVOKING SUPERVISED RELEASE**

Now on this 11th day of March, 1999, this cause comes on for sentencing on revocation of Supervised Release. The defendant was heretofore convicted on June 4, 1993, on his plea of guilty to Count One of an Indictment charging a violation of 21 §§ U.S.C. 841(a)(1) and 841(b)(1)(C), Possession with Intent to Distribute a Controlled Substance. Brown was sentenced to the custody of the Bureau of Prisons for a term of sixty (60) months, followed by a five (5) year term of supervised release. The standard conditions of supervised release were imposed, as was a special drug testing and treatment condition and a special search condition. Upon serving his custody sentence, the defendant was released to the Northern District of Oklahoma on October 9, 1996.

On February 26, 1999, a Revocation Hearing was held. The defendant was present in person and represented by counsel, Jack Short. The Government was represented by

United States District Court  
Northern District of Oklahoma } ss  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

By Phil Lombardi, Clerk  
Deputy

Assistant United States Attorney Jim Swartz, and the United States Probation Office was represented by Doug Burris. The defendant stipulated to the allegations as alleged in the Petition on Supervised Release filed on February 17, 1999. The specific allegation stipulated to was that the offender violated the conditions of his supervision by illegally possessing cocaine on January 30, 1999.

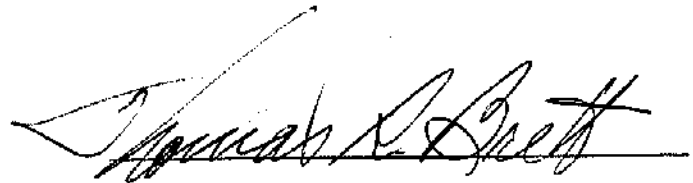
The Court finds that the original conviction occurred after November 1, 1987, and that Chapter 7 of the U.S. Sentencing Guideline is applicable. Further, Brown has committed Grade B violations in accordance with U.S.S.G. § 7B1.1(a)(2), and that the defendant's Criminal History Category of V is applicable for determining the imprisonment range.

The Court finds that Grade B violations and a Criminal History Category of V establishes a revocation imprisonment range of eighteen (18) to twenty-four (24) months, in accordance with U.S.S.G. § 7B1.4(a) and 18 § U.S.C. 3583(e). In consideration of these findings and pursuant to U.S. vs Lee, 757 F2d 770 (10<sup>th</sup> Cir 1992), in which the circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following sentence is ordered:

The defendant, Donald Ray Brown, is committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of one (1) year and one (1) day. The Court recommends to the Bureau of Prisons that the defendant be placed at the Federal Medical Center in Fort Worth, Texas, to serve this term of incarceration, and that the defendant

receive any needed medical care. (The defendant is currently undergoing treatment for malignancy of the prostate).

The defendant shall self surrender to the facility designated by the Bureau of Prisons on April 12, 1999, by 1:00 p.m.

A handwritten signature in cursive script, reading "Thomas R. Brett", written over a horizontal line.

The Honorable Thomas R. Brett  
Senior United States District Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET  
DATE 3-17-99

UNITED STATES OF AMERICA

V.

Tyrone Roberson

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 98-CR-150-001-K

Stephen J. Knorr  
Defendant's Attorney

**FILED**

MAR 17 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**THE DEFENDANT:**

Pleaded guilty to Count 1 of the Indictment on December 18, 1999.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 922(g)(9) & 924(a)(2)	Possession of a Firearm After Conviction of a Misdemeanor Crime	7/14/98	1

As pronounced on March 11, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count 2 of the Indictment is dismissed on the motion of the United States.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 16 day of March, 1999.



The Honorable Terry C. Kern  
Chief U.S. District Court Judge

Defendant's Soc. Sec. No.: 445-70-1663

Defendant's Date of Birth: 8/31/69

Defendant's USM No.: 08348-062

Defendant's Residence and Mailing Address: 1643 N. Delaware Ave., Tulsa OK 74110

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 27 months.

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant be placed in a Bureau of Prisons' facility that can provide Comprehensive Substance Abuse Treatment during his period of incarceration.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
3. The defendant shall successfully participate in a program of domestic violence/anger management counseling as directed by the Probation Office, until such time as released from the program by the Probation Office.
4. Keeping in mind the new standard condition for drug and alcohol treatment, the Probation Office shall place the defendant in the most intensive alcohol program possible, with inpatient treatment, if necessary.



**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$100.00

**RESTITUTION**

\$0.00

**FINE**

\$500.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$100 for Count 1 of the Indictment, which shall be due immediately.

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$500 for Count 1 of the Indictment. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	12	
Criminal History Category:	IV	
Imprisonment Range:	21 to 27 months	Count 1
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$3,000 to \$30,000	Count 1

Total amount of Restitution: \$ Not Applicable

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

BJs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET  
DATE 3-17-99

UNITED STATES OF AMERICA

V.

Jimmy Ray Rollins

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 98-CR-110-001-K

Steve Vincent  
Defendant's Attorney

FILED

MAR 17 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

THE DEFENDANT:

Pled guilty to Count 1 of the Indictment on October 5, 1998.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:


<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 371	Conspiracy	7/8/98	1

As pronounced on March 9, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Counts 2, 3 & 4 of the Indictment are dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 16 day of March, 1999.

  
The Honorable Terry C. Kern  
Chief U.S. District Court Judge

Defendant's Soc. Sec. No.: 446-62-7106

Defendant's Date of Birth: 8/21/63

Defendant's USM No.: 03587-062

Defendant's Residence and Mailing Address: Rt. 2 Box 540, Catoosa OK 74015

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 15 months.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### **STANDARD CONDITIONS OF SUPERVISION**

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### **ADDITIONAL CONDITIONS:**

1. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$100.00

**RESTITUTION**

\$340.00

**FINE**

\$0.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$100 for Count 1 of the Indictment, which shall be due immediately.

**RESTITUTION**

The defendant shall make restitution in the total amount of \$340.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Payee Address</u>	<u>City, State, Zip</u>	<u>Amount</u>
Eric Masigale	3213 S. 214 <sup>th</sup> East Ave	Broken Arrow OK 74014	\$140
Rib Crib	3022 S. Garnett Rd.	Tulsa OK 74129	\$100
Donna White	2601 East Albany Street	Broken Arrow OK 74014	\$100

Restitution shall be paid jointly and severally with co-defendant Melinda Tuell. Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, except that no further payment shall be required after the sum of the amount actually paid by all defendants has fully covered the compensable injury. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

If a victim has received compensation from insurance or any other source with respect to a loss, restitution shall be paid to the person who provided or is obligated to provide the compensation, but all restitution of victims shall be paid to the victims before any restitution is paid to such a provider of compensation.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	11	
Criminal History Category:	III	
Imprisonment Range:	12 to 18 months	Count 1
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$2,000 to \$20,000	Count 1

Total amount of Restitution: \$340.

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET.  
DATE 3-17-99

UNITED STATES OF AMERICA

V.

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Michell Lynn Bradford

Case Number: 98-CR-151-002-K ✓

Stephen J. Knorr  
Defendant's Attorney

**FILED**

MAR 17 1999

**THE DEFENDANT:**

Pleaded guilty to Count 2 of the Indictment on December 16, 1998.

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 1001	False Statement to a Government Agency	7/5/94	2

As pronounced on March 11, 1999, the defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count 1 of the Indictment is dismissed on the motion of the United States.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 16 day of March, 1999.

  
The Honorable Terry C. Kern  
Chief U.S. District Court Judge

Defendant's Soc. Sec. No.: 447-78-2800

Defendant's Date of Birth: 3/29/72

Defendant's USM No.: 08347-062

Defendant's Residence and Mailing Address: 546 E. 55 Street North, Tulsa OK 74126



**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$50.00

**RESTITUTION**

\$3,000.00

**FINE**

\$0.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$50 for Count 2 of the Indictment, which shall be due immediately.

**RESTITUTION**

The defendant shall make restitution in the total amount of \$3,000. The interest for restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Payee Address</u>	<u>City, State, Zip</u>	<u>Amount</u>
Attn: James K. Miller, U.S. Department of Housing & Urban Development, Oklahoma State Office, Multifamily Program Center	500 West Main, Suite 400	Oklahoma City OK 73102	\$3,000

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation, except that no further payment shall be required after the sum of the amount actually paid by all defendants has fully covered the compensable injury. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

If a victim has received compensation from insurance or any other source with respect to a loss, restitution shall be paid to the person who provided or is obligated to provide the compensation, but all restitution of victims shall be paid to the victims before any restitution is paid to such a provider of compensation.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	7	
Criminal History Category:	I	
Imprisonment Range:	0 to 6 months	Count 2
Supervised Release Range:	2 to 3 years	Count 2
Fine Range:	\$500 to \$5,000	Count 2

Total amount of Restitution: \$3,000.

Full restitution is not ordered because of the defendant's inability to pay.

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

BJS

### PROBATION

The Defendant is hereby placed on probation for a term of three (3) years.

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF PROBATION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
3. The Court suspends the requirements for mandatory urine screening as dictated by 18 USC § 3608, but specifically retains the probation officer's authority to administer such tests for cause as permitted by the standard conditions of supervision.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET  
FILE 3-17-99

UNITED STATES OF AMERICA

V.

Carrie J. Roberts

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 98-CR-102-001-K

Cindy Hodges Cunningham  
Defendant's Attorney

FILED

MAR 17 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

THE DEFENDANT:

Pleaded guilty to Count 2 of the Information on September 14, 1998.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 2113(b)	Theft of Bank Funds	2/20/98	2

As pronounced on March 10, 1999, the defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count 1 of the Information is dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 16 day of March, 1999.

  
The Honorable Terry C. Kern  
Chief U.S. District Court Judge

Defendant's Soc. Sec. No.: 566-45-0214

Defendant's Date of Birth: 11/15/76

Defendant's USM No.: 08285-062

Defendant's Residence and Mailing Address: 12518 S. 193 East Avenue, Broken Arrow OK 74014

### PROBATION

The Defendant is hereby placed on probation for a term of four (4) years.

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF PROBATION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
2. The Court suspends the requirements for mandatory urine screening as dictated by 18 USC § 3608, but specifically retains the probation officer's authority to administer such tests for cause as permitted by the standard conditions of supervision.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$100.00

**RESTITUTION**

\$7,372.70

**FINE**

\$0.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$100 for Count 2 of the Information, which shall be due immediately.

**RESTITUTION**

The defendant shall make restitution in the total amount of \$7,372.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Payee Address</u>	<u>City, State, Zip</u>	<u>Amount</u>
Bank of Oklahoma	Box 472	Tulsa OK 74101	\$7,372

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

If a victim has received compensation from insurance or any other source with respect to a loss, restitution shall be paid to the person who provided or is obligated to provide the compensation, but all restitution of victims shall be paid to the victims before any restitution is paid to such a provider of compensation.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	8	
Criminal History Category:	I	
Imprisonment Range:	0 to 6 months	Count 2
Supervised Release Range:	2 to 3 years	Count 2
Fine Range:	\$1,000 to \$10,000	Count 2

Total amount of Restitution: \$7,372.70

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

BJJ

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

FILED  
MAR 17 1999  
3-17-99

UNITED STATES OF AMERICA

v.

Case Number 98-CR-20-002-K

Paula K. Horey

Defendant.

**FILED**

MAR 17 1999

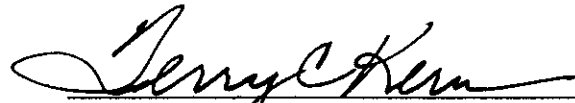
Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**JUDGMENT OF ACQUITTAL**

The defendant, Paula K. Horey, was represented by Larry Roberson.

The defendant has been found not guilty on July 29, 1998, in Counts One through Thirty-seven of the Second Superseding Indictment and is discharged as to such counts. IT IS ORDERED that the Defendant is acquitted and discharged, and any bond is exonerated.

Signed this the 16 day of March, 1999.



Terry C. Kern  
Chief United States District Judge

BJS



UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

ENTERED ON DOCKET  
DATE 3-17-99

UNITED STATES OF AMERICA

v.

Case Number 98-CR-20-001-K ✓

Samuel L. Horey

Defendant.

**FILED**

**JUDGMENT OF ACQUITTAL**

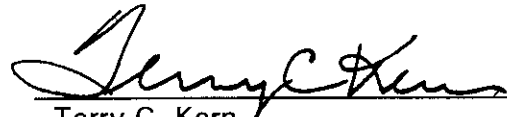
MAR 17 1999

The defendant, Samuel L. Horey, was represented by Stan Monroe.

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

The defendant has been found not guilty on July 29, 1998, in Counts One through Thirty-seven of the Second Superseding Indictment and is discharged as to such counts. IT IS ORDERED that the Defendant is acquitted and discharged, and any bond is exonerated.

Signed this the 16 day of March, 1999.

  
Terry C. Kern  
Chief United States District Judge

56

BJS

**FILED**

MAR 17 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

No. 98-CR-156-BU *Bt* ✓

RICARDO JOSE FLORES-LOPEZ, )

Defendant. )

ENTERED ON DOCKET

DATE MAR 18 1999

**ORDER**

NOW ON this 17<sup>th</sup> day of March, 1999, this cause comes on to be heard on the motion of the plaintiff, United States of America, to dismiss Count Three of the Superseding Indictment herein, without prejudice. From that motion and other matters and things, the Court finds that said motion ought to be, and is hereby, GRANTED.

IT IS, therefore, ORDERED, ADJUDGED AND DECREED that Count Three of the Superseding Indictment herein is dismissed, without prejudice. The trial of this cause is stricken from the Court's docket of March 29, 1999.

IT IS SO ORDERED.



THOMAS R. BRETT

United States District Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET

DATE 3/18/99

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

V.

John A. Mosier

Case Number: 98-CR-097-001-C

Stephen J. Knorr  
Defendant's Attorney

**FILED**

MAR 18 1999

THE DEFENDANT:

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

Pleaded guilty to Count 1 of the Information on December 7, 1998.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:


<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 4	Misprision of a Felony	6/1/94	1

As pronounced on March 16, 1999, the defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Counts 1-20 of the Indictment are dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 18<sup>th</sup> day of March, 1999.

  
The Honorable H. Dale Cook  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 461-76-8838

Defendant's Date of Birth: 11/4/46

Defendant's USM No.: 07960-062

Defendant's Residence and Mailing Address: James Crabtree Correctional Facility, Helena OK

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of six (6) months as to Count 1; said term shall run consecutively to the undischarged term of imprisonment in Mayes County, Oklahoma Case Number CRF 80-229.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$50.00

**RESTITUTION**

\$0.00

**FINE**

\$0.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$50 for Count 1 of the Information, which shall be due immediately.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	3	
Criminal History Category:	IV	
Imprisonment Range:	0 to 6 months	Count 1
Supervised Release Range:	1 year	Count 1
Fine Range:	\$100 to \$5,000	Count 1

Total amount of Restitution: \$ Not Applicable

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

**F I L E D**

**UNITED STATES DISTRICT COURT  
for the  
NORTHERN DISTRICT OF OKLAHOMA**

**MAR 17 1999**

**Phil Lombardi, Clerk  
U.S. DISTRICT COURT**

**UNITED STATES OF AMERICA  
Plaintiff**

**vs**

**Marcoe Lajuan Lowe  
Defendant**

**Case Number: 93-CR-035-001-C**

**ENTERED ON DOCKET**

**DATE 3/18/99**

**JUDGMENT AND COMMITMENT ORDER  
ON REVOCATION OF SUPERVISED RELEASE**

Now on this 15th day of March 1999, this cause comes on for sentencing after a previous finding that the defendant violated conditions of supervised release as set out in the Petition on Supervised Release filed on January 28, 1999. The defendant is present in person and represented by counsel, Bill Hughes. The Government is represented by Assistant U.S. Attorney Susan Morgan, and the United States Probation Office is represented by Randall Drew.

The defendant was heretofore, on August 31, 1993, sentenced after a plea of guilty to Counts One and Two of a three-count Indictment charging Conspiracy to Commit Armed Bank Robbery and Use of a Firearm During a Federal Crime of Violence, and Armed Bank Robbery and Aiding and Abetting in violation of 18 U.S.C. §§ 371 and 2113(a) and 2113(d) and 2 respectively. The defendant was sentenced to thirty-three (33) months custody of the U.S. Bureau of Prisons to be followed by a three (3) year term of supervised release as to Count One and a five year term of supervised release as to Count Two. The Court convened on February 9, 1999, at which time the defendant stipulated

to the allegations in the petition on supervised release filed January 28, 1999.

The Court revoked supervised release as to Count Two and at sentencing, the Court found that the instant conviction occurred after November 1, 1987, and that Chapter 7 of the U.S. Sentencing Guidelines is applicable. Further, the Court found that the violations of supervised release constitute Grade C violations in accordance with U.S.S.G. §7B1.1(a)(1), and that the defendant's original Criminal History Category of I is applicable for determining the imprisonment range. In addition, the Court found that a Grade C violation and a Criminal History Category of I establish a revocation imprisonment range of three to nine (3-9) months. In consideration of these findings, and taking notice that the policy statements in Chapter 7 are not mandatory, but must be considered by the Court, the following is ordered:

The defendant is committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of twelve (12) months as to Count Two only. A forty-eight (48) month term of supervised release is ordered to follow the incarceration period during which the defendant shall abide by all conditions previously ordered by this Court. The remainder of the restitution in the amount of \$2,764.60 is hereby reimposed. The defendant is remanded to the custody of the U.S. Marshal.

  
The Honorable H. Dale Cook  
United States District Judge



**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA

V.

Randall Mark Vanlandingham

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 98-CR-125-001-H

Richard D. White, Jr.  
Defendant's Attorney

**FILED**

MAR 10 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**THE DEFENDANT:**

Pleaded guilty to Counts 1, 2, 3 & 5 of the Superseding Indictment on November 9, 1998.

Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

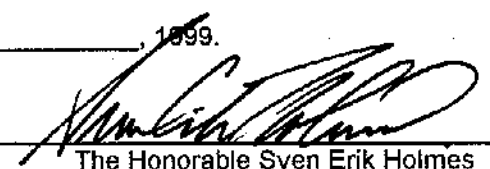
<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Counts</u>
21 USC 846 & 18 USC 2	Conspiracy to Possess With Intent to Distribute a Controlled Substance	7/23/98	1
21 USC 841(a)(1) & 841(b)(1)(B)(ii)	Possession With Intent to Distribute Cocaine	7/23/98	2
21 USC 841(a)(1)	Possession With Intent to Distribute Marijuana	7/23/98	3
21 USC 853	Criminal Forfeiture	7/23/98	5

As pronounced on March 5, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count 4 of the Superseding Indictment is dismissed on the motion of the United States.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 16<sup>TH</sup> day of MARCH, 1999.

  
The Honorable Sven Erik Holmes  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 441-82-1796

Defendant's Date of Birth: 7/26/67

Defendant's USM No.: 08297-062

Defendant's Residence and Mailing Address: 5707 S. Harvard Court, Tulsa OK 74135

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 84 months as to each of Counts 1 & 2, and 60 months as to Count 3, said terms to run concurrently, each with the other, for a total sentence of 84 months.

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant be incarcerated in a Bureau of Prisons' facility as close to Tulsa, Oklahoma as possible.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years as to each of Counts 1 & 2, and two (2) years as to Count 3, said terms to run concurrently, each with the other, for a total sentence of five (5) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$300.00

**RESTITUTION**

\$0.00

**FINE**

\$7,500.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$300 for Counts 1, 2, & 3 of the Superseding Indictment, which shall be due immediately.

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$7,500 for Count 1 of the Superseding Indictment. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

**FORFEITURE**

The defendant shall forfeit the defendant's interest in the following property to the United States: \$24,343 in U.S. Currency; Cash Proceeds: Approximately \$600,000 in U.S. Currency, in that such sum in aggregate was received in exchange for controlled substance; Real Property located at 3522 S. Troost Avenue in Tulsa, Oklahoma; and \$135,740.82 from other accounts.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	31	
Criminal History Category:	II	
Imprisonment Range:	121 to 151 months	Counts 1, 2 & 3
Supervised Release Range:	5 years	Counts 1 & 2
	2 to 3 years	Count 3
Fine Range:	\$15,000 to \$8,250,000	Counts 1, 2 & 3

Total amount of Restitution: \$ Not Applicable

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence departs from the guideline range:

Upon motion of the government, as a result of defendant's substantial assistance.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA

V.

Delamer Jay Ford

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 98-CR-148-001-H

M. Rene Bull  
Defendant's Attorney

**FILED**

MAR 10 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**THE DEFENDANT:**

Pleaded guilty to Counts 1 & 2 of the Indictment on December 1, 1998.

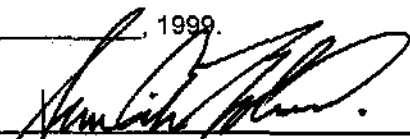
Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Counts</u>
18 USC 2252 (a)(4)(B)	Possession of 3 or More Items Containing Child Pornography	5/29/98	1
18 USC 2253	Forfeiture	5/29/98	2

As pronounced on March 5, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 10<sup>TH</sup> day of MARCH, 1999.

  
The Honorable Sven Erik Holmes  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 444-84-2968

Defendant's Date of Birth: 6/16/62

Defendant's USM No.: 08345-062

Defendant's Residence and Mailing Address: 722 N. Gary Place, Tulsa OK 74110

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 27 months, as to Count 1,

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant be placed in a Bureau of Prisons' facility as close to Tulsa, Oklahoma as possible.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

Before noon on April 5, 1999.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of two (2) years, as to Count 1.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall participate in a program of mental health treatment (to include inpatient), as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.
2. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
3. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
4. The defendant shall abide by the "Special Sex Offender Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on October 21, 1998.



**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$100.00

**RESTITUTION**

\$0.00

**FINE**

\$1,000.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$100 for Count 1 of the Indictment, which shall be due immediately.

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$1,000 for Count 1 of the Indictment. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

**FORFEITURE**

The defendant shall forfeit the defendant's interest in the following property to the United States: K-6 233 M/M System; Mouse Pad; Speakers; 56K voice/data/fax modems; 1.4 floppy drive; 16 meg 72 PIN EDO; 586 fan CPU delux; AMD K-6/233; EPOX TX/512; Speaker/sub-woofer set; SB AWE64 SND card; Adapter 2940 single; 1.2 floppy drive; Tape-Stor 8000; Shamrock 17" monitor; WIN 95 dem CD; PS2 mouse; 12X SCSI CD; 6.4 SCSI hard drive; 6.4 SCSI hard drive; ATI TV tuner card; Printer port; HP CD-Writer 4020; ATI EXPERT AT WORK; DIMM 6 MEG SDRAM; Miscellaneous other computer equipment and peripherals.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	18	
Criminal History Category:	I	
Imprisonment Range:	27 to 33 months	Count 1
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$6,000 to \$60,000	Count 1

Total amount of Restitution: \$ Not Applicable

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

ew

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA

V.

Bobby Randall Custer

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1,  
1987)

**FILED**

Case Number: 98-CR-133-01-EA

MAR -5 1999

David Phillips  
Defendant's Attorney

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**THE DEFENDANT:**

Was found guilty by jury trial on Count 1 of the Information, on November 30, 1998 after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count(s)</u>
18 USC 844(a)	Possession of a Controlled Substance	8-13-98	1

As pronounced on March 2, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 5<sup>th</sup> day of March, 1999.

Claire V. Eagan  
The Honorable Claire V. Eagan  
U.S. District Court Magistrate Judge

Defendant's Soc. Sec. No.: 445-70-5951

Defendant's Date of Birth: 04-09-61

Defendant's USM No.: 08312-062

Defendant's Residence and Mailing Address: Post Office Box 1237, Chouteau, OK 74337

43  
**ENTERED ON DOCKET**  
DATE 3-8-99

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 3 months.

The Court makes the following recommendations to the Bureau of Prisons:

Designate to a jail type facility

The defendant shall surrender to the United States Marshal for this District:

At 12:00 p.m. on March 5, 1999.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 12 months.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
2. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 3 months, to commence within 72 hours of release from imprisonment. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.

The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$25.00

**RESTITUTION**

\$0.00

**FINE**

\$1,000.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$25 for Count(s) 1 of the Information, which shall be due immediately.

**FINE**

The defendant shall pay a fine of \$1,000 for Count(s) 1 of the Information. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	2	
Criminal History Category:	I	
Imprisonment Range:	0 to 6 months	Count One
Fine Range:	\$1,000 to \$5,000	Count One

Total amount of Restitution: \$ Not Applicable

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

ew

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA

V.

Bobby Randall Custer

**THE DEFENDANT:**

Was found guilty by jury trial on Count 1 of the Information, on November 30, 1998 after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count(s)</u>
18 USC 844(a)	Possession of a Controlled Substance	8-13-98	1

As pronounced on March 2, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 5th day of March, 1999.

  
The Honorable Claire V. Eagan  
U.S. District Court Magistrate Judge

Defendant's Soc. Sec. No.: 445-70-5951

Defendant's Date of Birth: 04-09-61

Defendant's USM No.: 08312-062

Defendant's Residence and Mailing Address: Post Office Box 1237, Chouteau, OK 74337

United States District Court )  
Northern District of Oklahoma ) SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this court. Phil Lombardi, Clerk

By   
Deputy

ENTERED ON DOCKET  
DATE 3-8-99



**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 3 months.

The Court makes the following recommendations to the Bureau of Prisons:

Designate to a jail type facility

The defendant shall surrender to the United States Marshal for this District:

At 12:00 p.m. on March 5, 1999.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_, with a certified copy of this Judgment.

United States Marshal

By: \_\_\_\_\_

Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 12 months.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
2. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 3 months, to commence within 72 hours of release from imprisonment. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-126, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$25.00

**RESTITUTION**

\$0.00

**FINE**

\$1,000.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$25 for Count(s) 1 of the Information, which shall be due immediately.

**FINE**

The defendant shall pay a fine of \$1,000 for Count(s) 1 of the Information. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	2	
Criminal History Category:	1	
Imprisonment Range:	0 to 6 months	Count One
Fine Range:	\$1,000 to \$5,000	Count One

Total amount of Restitution: \$ Not Applicable

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

MAR 1 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1,  
1987)

John Willis Parker

Case Number: 98-CR-147-001-C

Stephen J. Knorr  
Defendant's Attorney

ENTERED ON DOCKET

THE DEFENDANT:

DATE 3/1/99

Pleaded guilty to Count 1 of the Indictment on November 23, 1998.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 2113(a)	Bank Robbery	8/5/98	1

As pronounced on February 22, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.Signed this the 1st day of March, 1999.  
The Honorable H. Dale Cook  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 428-72-8677

Defendant's Date of Birth: 9/8/39

Defendant's USM No.: 04152-010

Defendant's Residence and Mailing Address: c/o Tulsa County Jail, 500 S. Denver, Tulsa OK 74103

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 57 months.

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant be placed at the FCI Texarkana for his place of incarceration.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### **STANDARD CONDITIONS OF SUPERVISION**

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### **ADDITIONAL CONDITIONS:**

1. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$100.00

**RESTITUTION**

\$5,781.00

**FINE**

\$0.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$100 for Count 1 of the Indictment, which shall be due immediately.

**RESTITUTION**

The defendant shall make restitution in the total amount of \$5,781. The interest for restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Payee Address</u>	<u>City, State, Zip</u>	<u>Amount</u>
American Bank of Oklahoma	118 S. 5 <sup>th</sup> Street, Box 66	Collinsville OK 74021-0066	\$5,781

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

If a victim has received compensation from insurance or any other source with respect to a loss, restitution shall be paid to the person who provided or is obligated to provide the compensation, but all restitution of victims shall be paid to the victims before any restitution is paid to such a provider of compensation.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.



**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	21	
Criminal History Category:	III	
Imprisonment Range:	46 to 57 months	Count 1
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$7,500 to \$75,000	Count 1

Total amount of Restitution: \$5,781.

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

BJJ

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 1 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDY GLOVER,

Defendant.

No. 91-CR-50-C

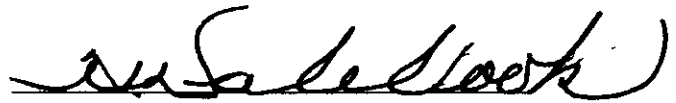
ENTERED ON DOCKET  
MAR 02 1999  
DATE

JUDGMENT

This matter came before the Court for consideration of defendant Randy Glover's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, upon remand from the Tenth Circuit Court of Appeals. A full and complete evidentiary hearing having been held on February 23, 1999, at the conclusion of which the Court pronounced its ruling on the record, finding that the uncontradicted evidence offered by the government showed by a preponderance of the evidence that DL-Methamphetamine was involved in the underlying conspiracy for which Glover has been convicted,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is entered for plaintiff, the United States of America, and against defendant, Glover, on his challenge to the legality of his sentence.

IT IS SO ORDERED this 1<sup>st</sup> day of March, 1999.

  
H. Dale Cook  
U.S. District Judge

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 1 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROY GLOVER,

Defendant.

No. 91-CR-50-C

ENTERED ON DOCKET

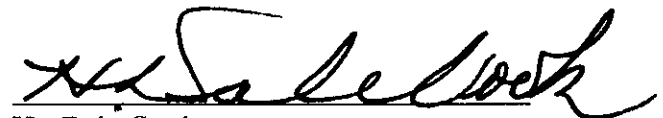
DATE MAR 02 1999

JUDGMENT

This matter came before the Court for consideration of defendant Roy Glover's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, upon remand from the Tenth Circuit Court of Appeals. A full and complete evidentiary hearing having been held on February 23, 1999, at the conclusion of which the Court pronounced its ruling on the record, finding that the uncontradicted evidence offered by the government showed by a preponderance of the evidence that DL-Methamphetamine was involved in the underlying conspiracy for which Glover has been convicted,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is entered for plaintiff, the United States of America, and against defendant, Glover, on his challenge to the legality of his sentence.

IT IS SO ORDERED this 1<sup>st</sup> day of March, 1999.



H. Dale Cook  
U.S. District Judge

401

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 1 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL ANTHONY YOUNGPETER,

Defendant.

No. 91-CR-50-C


ENTERED ON DOCKET  
DATE MAR 02 1999

JUDGMENT

This matter came before the Court for consideration of defendant Michael Youngpeter's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, upon remand from the Tenth Circuit Court of Appeals. A full and complete evidentiary hearing having been held on February 23, 1999, at the conclusion of which the Court pronounced its ruling on the record, finding that the uncontradicted evidence offered by the government showed by a preponderance of the evidence that DL-Methamphetamine was involved in the underlying conspiracy for which Youngpeter has been convicted,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is entered for plaintiff, the United States of America, and against defendant, Youngpeter, on his challenge to the legality of his sentence.

IT IS SO ORDERED this 1st day of March, 1999.

  
H. Dale Cook  
U.S. District Judge

U.S.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 1 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNNY E. GLOVER,

Defendant.

No. 91-CR-50-C

ENTERED ON DOCKET  
MAR 02 1999  
DATE \_\_\_\_\_

JUDGMENT

This matter came before the Court for consideration of defendant Johnny Glover's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, upon remand from the Tenth Circuit Court of Appeals. A full and complete evidentiary hearing having been held on December, 17, 1998, and the issues having been duly considered and a decision having been rendered in accordance with the Order filed contemporaneously herewith,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is entered for plaintiff, the United States of America, and against defendant, Glover, on his challenge to the legality of his sentence.

IT IS SO ORDERED this 1st day of March, 1999.



H. Dale Cook  
U.S. District Judge

399

**FILED**

MAR 1 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNNY E. GLOVER,

Defendant.

No. 91-CR-50-C

ENTERED ON DOCKET

DATE **MAR 02 1999**

**ORDER**

This matter came before the Court for consideration of defendant Johnny Glover's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255. The relevant facts regarding Glover's conviction and sentence have been recited in the Court's prior Orders regarding this defendant, and will not be repeated here.

In May 1997, Glover submitted his § 2255 motion. Based upon the limitations period contained in § 2255, as amended in April of 1996, this Court denied Glover's motion in July 1997 as time-barred. Glover appealed, arguing for the first time that "he did not file his § 2255 motion in a timely manner because the government created an impediment to his filing in violation of the Constitution." United States v. Glover, 1998 WL 453674 (10<sup>th</sup> Cir. 1998). Glover argued to the Circuit that the government impeded the filing of his § 2255 motion by withholding transcripts and requested Freedom of Information Act material necessary for recognizing and developing the issues presented in the § 2255 motion. Glover further argued that because the government withheld this information until August 1997, he could not have reasonably been expected to find a jailhouse lawyer to file an unknown issue without supporting facts. He additionally argued that because he did not receive the requested information until August 1997, the § 2255 could not have been filed.

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Although these arguments were never raised in this Court, and this Court was not given the opportunity to address and decide such issues prior to Glover's appeal, the Circuit held that Glover alleged sufficient circumstances warranting reversal of this Court's Order denying his § 2255 motion. The Circuit remanded the case "for findings regarding whether there was an impediment created by governmental action in violation of the Constitution or laws of the United States, and if it prevented defendant from filing his motion in time." Id. The Circuit further noted that this Court is free to consider any other equitable tolling issues which it deems appropriate. Id.

Per the Circuit's remand, a full evidentiary hearing was held on December 17, 1998, limited to the issues of whether the government created an impediment which prevented Glover from filing his § 2255 motion in a timely manner or whether there existed any other grounds justifying equitable tolling. The Court heard argument from the government and from Glover's attorney, and Glover testified in his own behalf. At the conclusion of the hearing, the Court gave the government 60 days in which to file a supplemental brief, and it gave Glover 10 days to file a supplemental reply. The parties have now filed their supplemental materials, and the matter is ripe for ruling.

As noted, the Circuit remanded this case for the very narrow purpose of determining whether there was an impediment created by unlawful governmental action which prevented Glover from timely filing his motion, or whether there is any other basis justifying equitable tolling here. The relevant part of § 2255 which governs this matter provides that, "A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of — . . . (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action." Since Glover's conviction became final prior to the effective

date of the amendment imposing the limitations period, the Court must determine whether any impediment existed after April 24, 1996, which prevented Glover from filing his § 2255 motion. See United States v. Simmonds, 111 F.3d 737, 746 (10th Cir.1997) (holding that a grace period applies to prisoners whose convictions became final on or before April 24, 1996, and holding that such prisoners must file their § 2255 motions before April 24, 1997). If no impediment existed, Glover's May 25, 1997, submission of his § 2255 motion, more than one month after the grace period expired, is untimely. The Court finds that Glover cannot show that an impediment existed, and, therefore, the limitations period expired on April 24, 1997.

Glover's principal argument is that he began making Freedom of Information Act (FOIA) requests in 1994, and these requests continued through August 1997. He claims that the materials sought were necessary for the proper filing of a § 2255 motion, and that he would have made a better argument with such materials. Glover claims that the failure to provide such materials caused the late filing of his § 2255 motion.

The Court finds certain serious flaws in Glover's argument. The record shows that he filed his § 2255 motion in May 1997, but did not receive his requested documents until August 1997. The Court does not understand how the receipt of documents in August 1997 could have possibly impeded the May 1997 filing. Under § 2255, the impediment must have *prevented* Glover from filing his § 2255. The alleged impediment was not removed until August 1997. Yet, Glover was clearly able to submit his motion in May 1997. These facts conclusively show that the alleged impediment could not have prevented Glover from filing his motion. Glover's response to this logic is that the impediment prevented him from filing a "better" or more complete § 2255 motion, and that he did not feel comfortable enough to file his motion on time. However, this does not constitute grounds for an



impediment argument under § 2255. Section 2255 does not provide that the limitations period shall begin to run from the date on which all impediments to the filing of a full, complete, or perfect § 2255 motion are removed; the statute provides, instead, that the limitations period shall begin to run from the date on which the impediment *preventing* the making of a motion is removed. The timing of Glover's filing clearly shows that the impediments of which Glover complains did not *prevent* the filing of his motion. Moreover, Glover's counsel stated at the hearing that, in the month after the time limit expired, Glover filed his motion with reluctance after not receiving his requested documents. Thus, there simply was nothing that prevented Glover from making a timely motion.

Further, a review of the § 2255 motion which Glover did submit belies his present assertions. The motion is very comprehensive and detailed, raising numerous issues, even though Glover did not have the benefit of his FOIA request due to the government's alleged "impediment." Moreover, although Glover now claims that his motion was filed late because he was afraid it was incomplete, he made no request prior to the expiration of the limitations period in April 1997,<sup>1</sup> for additional time in which to file his motion, nor did he file a timely motion along with a request to amend. And, Glover never moved for reconsideration on the grounds of impediment following this Court's denial of his § 2255 motion. Glover also strangely contended on appeal that his jailhouse lawyer recognized, presumably after receiving the requested information in August 1997, a multiplicity issue. However, this issue, along with four others, was raised in his § 2255, prior to receiving the requested materials.

Additionally, Glover has completely failed to show that the government engaged in any

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<sup>1</sup> If Glover, in April 1997 and prior to the expiration of the limitations period, believed that he could not properly file a § 2255 motion because the government withheld requested and necessary materials, he could have filed the motion that he filed in May 1997 along with a request to be permitted to amend upon receiving the materials. He did not do this. Rather, he simply filed a full and final § 2255 motion in May 1997, after the expiration of the grace period.

unlawful activity which prevented his timely filing. Glover has not shown how the government's delay in responding to and honoring his FOIA request violated the Constitution or laws of the United States. Indeed, Glover has offered no argument that the government ever acted in violation of the law in creating the alleged impediment. On this basis alone, and under the plain language of § 2255, Glover's impediment claim must fail.

The Court further finds no basis supporting an equitable tolling argument. As the Circuit has held, inmates are required to "diligently pursue claims." Miller v. Marr, 141 F.3d 976, 978 (10<sup>th</sup> Cir. 1998). Given that Glover had several years to prepare and submit his § 2255, the Court knows of no excuse, aside from a lack of diligence, for his failure to timely file it. As detailed more fully in this Court's prior Orders, Glover pled guilty on September 18, 1991, and was sentenced on December 10, 1991. He did not file a direct appeal. Glover thus had over five years in which to file his § 2255 before the limitations period expired, and he failed to do so.


The arguments and testimony presented to the Court reveal that Glover knew in 1996 of the newly imposed limitations period contained in the amended § 2255. Yet, Glover made no attempt to seek additional time to file his motion prior to the one-year deadline, expiring April 24, 1997, nor did he timely file his § 2255 along with a request to be permitted to amend. Glover argues that he reluctantly submitted his motion in May 1997 out of desperation. The Court does not understand why that same desperation did not prompt Glover to submit his motion prior to the deadline. Further, judging from the completeness of the motion which he did file one month after the deadline, without the benefit of his FOIA request, it does not appear that Glover labored under any hardship which would have prevented the submission of a full, detailed, and *timely* motion during the five year period following his conviction and sentence. Every indication the Court received in May 1997 was that the

§ 2255 motion filed at that time was the final and full motion. If the FOIA material had been vital to his motion, Glover surely would have made some mention of it. The fact that he filed a full and complete motion in May 1997 shows that Glover was simply late in his filing, and the Court finds nothing which excuses the untimeliness.

Moreover, to excuse Glover's late filing here on equitable tolling grounds and permit consideration of his motion, under these circumstances, would serve to thwart Congress' aim when enacting the amendments to § 2255 in 1996. The Committee which drafted the 1996 amendment imposing the limitations period stated, "This title incorporates reforms to *curb the abuse* of the statutory writ of habeas corpus . . . . It sets a one year limitation on an application for a habeas writ and revises the procedures for consideration of a writ in federal court." H.Conf.Rep.No. 104-518, p. 111 (emphasis added). Hence, Congress recognized the abuses and costs to the government and courts of prisoners filing numerous § 2255 motions several years after conviction, and Congress clearly sought to curb these abuses by imposing limitations. Excusing Glover's late filing here, because it was merely one month late, would only frustrate congressional intent and render the limitations period largely meaningless. For the limitations period to have any purpose and effect, Glover's present motion must be denied as untimely.

Accordingly, Glover's motion pursuant to § 2255 is hereby DENIED as time-barred.

IT IS SO ORDERED this 1<sup>st</sup> day of March, 1999.

  
H. Dale Cook  
U.S. District Judge

**FILED**

MAR 01 1999

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

**Phil Lombardi, Clerk  
U.S. DISTRICT COURT**

UNITED STATES OF AMERICA

V.

Micheal Clay Stokes

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

ENTERED ON DOCKET

DATE 3-1-99

Case Number: 98-CR-062-001-K

R. Lynn Thompson  
Defendant's Attorney

**FILED**

FEB 4 1999

**Phil Lombardi, Clerk  
U.S. DISTRICT COURT**

**THE DEFENDANT:**

Pleaded guilty to Count 5 of the Superseding Indictment on November 13, 1998.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 1014	False Statement to a Federally Insured Financial Institution	1/31/95	5

As pronounced on February 24, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Counts 1-4 & 6-8 of the Superseding Indictment are dismissed on the motion of the United States.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 26 day of February, 1999.



The Honorable Terry C. Kern  
Chief U.S. District Court Judge

Defendant's Soc. Sec. No.: 440-66-9236

Defendant's Date of Birth: 9/3/64

Defendant's USM No.: 08243-062

Defendant's Residence and Mailing Address: 1017 N. Kenwood Avenue, Broken Arrow OK 74012

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**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 22 months.

The Court makes the following recommendations to the Bureau of Prisons:

That the Bureau of Prisons thoroughly evaluate the defendant's medical condition in determining the appropriate facility where the defendant will serve this sentence. The defendant reports that he may be at risk for seizures and a stroke due to injuries sustained in a motorcycle wreck in April 1995

The defendant shall surrender to the United States Marshal for this District:

Before 9:30 a.m. on March 3, 1999.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$50.00

**RESTITUTION**

\$30,000.00

**FINE**

\$0.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$50 for Count 5 of the Superseding Indictment, which shall be due immediately.

**RESTITUTION**

The defendant shall make restitution in the total amount of \$30,000. The interest for restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Payee Address</u>	<u>City, State, Zip</u>	<u>Amount</u>
Citizens Security Bank, Attn: Mike Mease	PO Box 130	Bixby OK 74008	\$3,173.
Oklahoma Disaster Restoration (formerly known as Oklahoma Chemical and Dye, Inc.)	PO Box 471391	Tulsa OK 74147-1391	\$26,827

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

If a victim has received compensation from insurance or any other source with respect to a loss, restitution shall be paid to the person who provided or is obligated to provide the compensation, but all restitution of victims shall be paid to the victims before any restitution is paid to such a provider of compensation.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	13	
Criminal History Category:	III	
Imprisonment Range:	18 to 24 months	Count 5
Supervised Release Range:	3 to 5 years	Count 5
Fine Range:	\$3,000 to \$1,000,000	Count 5

Total amount of Restitution: \$133,796.

Partial restitution is ordered for the following reason:

Because of the defendant's inability to pay

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

BJS



**FILED**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

MAR 01 1999

UNITED STATES OF AMERICA

V.

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

James Clark Lacey

ENTERED ON DOCKET

DATE 3-1-99

Case Number: 98-CR-049-001-K

Bill May  
Defendant's Attorney

**FILED**

FEB 24 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**THE DEFENDANT:**

Was found guilty by jury trial on Counts 1 & 3 of the Indictment on November 25, 1998, and found guilty by the Court on February 24, 1999 on Count 2 of the Indictment, after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Counts</u>
18 USC 2252(a)(4)(B)	Possession of Child Pornography	2/17/98	1
18 USC 2253	Criminal Forfeiture	2/17/98	2
18 USC 2423(b)	Interstate Travel for Purpose of Engaging in Sexual Acts With a Minor	2/17/98	3

As pronounced on February 24, 1999, the defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 26 day of February, 1999.



The Honorable Terry C. Kern  
Chief U.S. District Court Judge

Defendant's Soc. Sec. No.: 420-58-4184

Defendant's Date of Birth: 2/20/46

Defendant's USM No.: 76692-079

Defendant's Residence and Mailing Address: 1208 S. Tamarack, Broken Arrow OK 74012

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 46 months as to each of Counts 1 & 3, said terms to run concurrently, each with the other, and to run concurrently with the undischarged term of imprisonment the defendant is now serving as to Southern District of Texas Case Number C-98-00066-S-001.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years as to each of Counts 1 & 3, said terms to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency. The Court specifically contemplates that the probation Office may make a search of the defendant's computer upon reasonable suspicion that contraband may be found.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
3. The defendant shall abide by the Special Sex Offender Conditions as enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on October 21, 1998.

**CRIMINAL MONETARY PENALTIES**

he defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$200.00

**RESTITUTION**

\$0.00

**FINE**

\$10,000.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$200 for Counts 1 & 3 of the indictment, which shall be due immediately.

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$10,000 for Count 3 of the indictment. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

**FORFEITURE**

The defendant shall forfeit the defendant's interest in the following property to the United States: The defendant shall forfeit his computer, computer keyboard, coputer monitor, computer mouse, and various computer diskettes seized by the Government.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report except:

The Court finds that the appropriate guideline as to Count 1 of the Indictment is found in USSG § 2G2.4. The base offense level is increased by 2 levels pursuant to USSG § 2G2.4(b)(1) and is increased by 2 levels pursuant to USSG § 2G2.4(b)(2). The appropriate guideline as to Count 3 of the Indictment is found in USSG § 2A3.2. The offense level subtotal for Count 1 is 19. The offense level subtotal for Count 2 is 15. The counts do not group and the offense level is increased by two levels through the application of a multiple-count adjustment. The total offense level for Counts 1 & 3 is 21.

**Guideline Range Determined by the Court:**

Total Offense Level:	21	
Criminal History Category:	I	
Imprisonment Range:	37 to 46 months	Count 1 & 3
Supervised Release Range:	2 to 3 years	Count 1 & 3
Fine Range:	\$7,500 to \$75,000	Count 1 & 3

Total amount of Restitution: \$ Not Applicable

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

BJ3